

ORDER**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION****1200.22C**

2/6/02

SUBJ: NAS DATA AND INTERFACE EQUIPMENT USED BY OUTSIDE INTERESTS

1. PURPOSE.

This order prescribes the policy on the release of National Airspace System (NAS) data and the use of interface equipment by persons or agencies outside the Federal Aviation Administration (FAA) and the United States Government, which are not otherwise authorized access to this data by public law or existing agreements or contracts duly executed by the Government. This order does not prohibit the FAA Research and Development (R&D) projects, when working with outside interests from interfacing to the operational NAS computer and sharing radar data or equipment at the time of test or demonstration, nor shall it prohibit or limit projects within the NAS. This order establishes the Data Release Review Committee. This order does not affect, modify, or control the FAA's legal obligation relating to the release of NAS data under the Freedom of Information Act (FOIA), 5 USC 552. Agreements made with foreign countries are outside the scope of this order.

2. DISTRIBUTION.

This order is distributed to the Associate Administrators for Research and Acquisitions and Air Traffic Services; to the Offices of Information Systems Security and Chief Counsel; to the division level in Airway Facilities, Air Traffic, and Air Traffic System Requirements in Washington; to the division levels in the Academy and Logistics Center at the Aeronautical Center and the Technical Center; to the branch level in the regional Air Traffic and Airway Facilities divisions, and to all Air Traffic and Airway Facilities field offices with a maximum distribution. This distribution also includes special offices within Department of Defense, Department of Transportation, Department of Justice, and Department of Treasury.

3. CANCELLATION.

Order 1200.22B, Use of National Airspace System (NAS) Computer and Radar Data or Equipment by Outside Interests, dated April 14, 1993, is canceled.

4. EFFECTIVE DATE. This order is effective April 1, 2002.

5. EXPLANATION OF CHANGES.

This revision:

- a. Updates the policy, procedures, and approving authority for the release of NAS data and the use of interface equipment to outside interests, which are not otherwise authorized access to this data by public law, existing agreements, or contracts duly executed by the Government.
- b. Establishes the Data Release Review Committee (DRRC) with its charter to evaluate each requests that do not meet the policy for access to NAS data.
- c. Changes coordination procedures with the FAA Intelligence and Security Divisions, Department of Defense (DoD), and other Federal and State Government Agencies.
- d. Establishes FAA Form, 1200-5, NAS Data Release Request.
- e. Transferred the Office of Primary Responsibility (OPR) for this order from Air Traffic (AT) to Airway Facilities (AF).

6. BACKGROUND.

- a. Outside agencies frequently request NAS data and/or the use of interface equipment. The frequency of these requests has dramatically increased in recent years as a result of evolving technology and the potential economic benefit for the requestor. Requests for information cover a broad spectrum of information, including delayed and recorded data.
- b. Air Traffic facilities routinely handle sensitive information for DoD and many other Federal, State, and local Government agencies. Permitting outside interests to directly monitor or extract information through routine real-time queries of the computer system would compromise the security of these operations. Safeguards must be taken to prevent unauthorized outside interests from obtaining access to any NAS data identified as mission sensitive by DoD, or other Federal, State, or local Government agencies.

7. DEFINITIONS.

The following definitions are for the purpose of this order only:

- a. Data Release Review Committee (DRRC). The governing committee chartered with the protection and controlled release of NAS data in a timely and responsible manner. Its members are comprised of representatives from FAA internal organizations and other various Government organizations; i.e., DoD, external to the FAA whose mandated responsibilities require oversight of, and/or participation in, decisions concerning the release of NAS data.
- b. Delayed Data. Any data processed by a NAS system, which is delayed in time more than 15 minutes from its origin to its final destination, by some kind of electronic and/or physical control process.
- c. Filtered Data. Any data processed by a NAS system subject to an editing process.
- d. Interface Equipment. Any piece of equipment, a system or subsystem that has the capability to connect directly or indirectly to the NAS system.

e. Interface Software. The programming used to facilitate error-free data transfer between the FAA equipment and the outside interest receiving facility.

f. Joint Radar Planning Group (JRPg). The permanent interagency committee established to provide continuous coordination and oversight of activities for the operation and maintenance of the Joint Surveillance Systems (JSS) radars.

g. NAS Data. Automation, surveillance, navigation, communications, and weather information used for Air Traffic Control (ATC) purposes once beyond the processor and into the NAS interface for the appropriate system. NAS data does not include data that has entered the DoD communications interface at each site.

h. Outside Interest. A person, group, office, airport authority, or organization outside the United States Government.

i. Real-Time Data. Any data processed by a NAS system that is not intentionally delayed from its original structure and/or process.

j. Recorded Data. Processed ATC information written on optical, magnetic, or paper media by a system.

k. Requester. An outside interest submitting the request for NAS data.

1. Sensitive Data. The term includes data whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission. This includes, but is not limited to:

- (1) Joint-use radar systems;
- (2) Joint Surveillance System (JSS);
- (3) FAA or DoD flight inspections;
- (4) Contains military mission information (training missions, MODE-4, Air Force-1, Air Force 2);
- (5) Law enforcement or other sensitive activity;
- (6) Requests made by a foreign government, air carrier or corporation. This also applies to United States citizens or corporations acting as agents for any foreign entity;
- (7) Any offshore FAA radars, including Alaska, Hawaii, Guam, the Panama Canal Zone, and Puerto Rico;
- (8) Radar information being used by law enforcement agencies;
- (9) All requests for real-time data;
- (10) Any request for computer or radar data that will require interface with FAA-owned or FAA-leased telecommunications equipment or line;

(11) Any request for air traffic management computer data;

(12) Any airport surveillance radar (ASR) system that serves a military base, complex, or any ATC special use airspace as well as nearby civilian airports. Examples are U.S. Strategic Command Headquarters, Colorado Springs, North American Aerospace Defense Command, Norfolk Naval Air Station, Patuxent Restricted Area (R-4006), Farmville Military Operation Area (FVX MOA), and the airspace surrounding DCA.

m. Unfiltered data. Any radar or automated data, provided through an interfacility line, data link, satellite transmission, or any other mode so as to extract on-line data which have not been previously recorded, have not been subject to Air Traffic oversight for the presence of accident, incident, suspected error, deviation, airspace incursions, or any other possible or suspected situations that might require internal investigation, or includes information concerning sensitive and/or controlled national defense, law enforcement, or security organization data.

8. POLICY.

a. The FAA shall not release sensitive NAS data, data formats, or source codes, nor will it permit unauthorized outside interests to interface with FAA NAS equipment. Persons or agencies that are non-Government and/or non-law enforcement entities are not authorized access to NAS data unless one of the below conditions apply.

(1) Required to satisfy a contract or agreement to which the FAA is a party, or has otherwise given approval.

(2) Determined by the agency, in accordance with its responsibilities under the Federal Aviation Act, that its use is in the furtherance and promotion of aviation safety and efficiency.

(3) Approval of a request by ATS-1 after review and recommendation by the DRRC.

b. Real-time NAS data shall only be released to the appropriate United States Government agencies, law enforcement organizations, and the National Transportation Safety Board (NTSB) as operationally required.

c. Outside interests shall only receive filtered and/or delayed NAS data if the conditions of 7a are satisfied, and are prohibited from selling or providing this information to a third party without specific written permission from the FAA. See Appendix 2, Sample Memorandum of Agreement (MOA). Filtering and delay of NAS data will be accomplished internal to the facility from which the data is obtained and will be the responsibility of FAA personnel, as determined by the DRRC, to monitor this process for compliance.

d. If AF will maintain the equipment, the outside interest will provide access and training to authorized FAA personnel for all hardware, software, and procedures used in processing NAS data. All costs will be absorbed by the outside interest. This will be specified and agreed to by both parties in the MOA.

e. All outside interests that make a request for release of data shall be subject to verification of the need to acquire NAS data. The requestor shall document the data request purpose as outlined in Appendix 3, FAA Form 1200-5, NAS Data Release Request, Section 12.

f. Interface equipment connected to the NAS shall be under, and conform to configuration management as defined in the latest edition of Order 1800.66, Configuration Management Policy. The interface shall be tested by AOS, or the appropriate test organization, to ensure it does not adversely affect operation of the NAS. The requester shall provide the necessary hardware and software that shall filter such data prior to leaving the facility. The requester-provided interface equipment shall meet FAA standards for transient protection, grounding, bonding, shielding, environmental, and AC power operation. The FAA shall retain custody of the hardware and software. Modifications that are installed on the FAA equipment or system shall be tested to the most recent Site Acceptance Test (SAT), and ensure the vendor-connected equipment operates as it did prior to modification. The MOA will outline the details in Sections II, III, and/or VI.

g. In order to comply with the requirements of this order, a new authorization for release of NAS data must be obtained by all outside interests to replace existing agreements. Agreements between the FAA and all outside interests that were established under 1200.22B guidelines shall be submitted within 180 days of implementation of this order to the DRRC for evaluation. While existing data agreements are being reviewed, they will be considered valid and remain in effect until the new agreement is signed by all parties.

h. All approved agreements with outside interests shall be valid for a period not to exceed 2 years unless a time agreement exists in one of the conditions of paragraph 7a.

i. When a person or entity shares knowledge, services, or technology with a non-U.S. citizen in the United States, this is a deemed export. Any data requestor who employs such personnel, shall list each individual on FAA Form 1200-5 and provide a detailed explanation of the duties the non-U.S. citizen will perform as they relate to the data request.

j. If the FAA is supplying the technical documentation, interface equipment, or interface software, then the transaction needs to be reviewed by the FAA Office of the Chief Counsel (AGC) for export control aspects. Technical documentation and interface equipment may be subject to data rights restrictions. Data rights would not affect the data stream, but could impact the FAA's ability to release technical maintenance documentation or interface software needed to run on interface equipment at the requestor's end. AGC needs to review the data rights aspects of each transaction.

k. In cases where FAA data is available over common or public media, i.e., the Internet or broadcast radio, the requestor must ensure the output of this system is not an input to another NAS system without adequate security checks to ensure its validity.

9. DATA RELEASE REVIEW COMMITTEE.

The Data Release Review Committee (DRRC) is established to ensure the FAA discharges its responsibilities with regard to the protection and controlled release of NAS data, and/or the use of interface equipment, in a timely and responsible manner. The DRRC membership contains representatives from various organizations within the FAA who have an interest in exercising control

over data release. Committee membership is augmented by representatives from various United States Government organizations, whose mission or mandated responsibilities require oversight and/or participation in decisions concerning the release of NAS data and/or the use of interface equipment. The DRRC is established by guidelines in the latest edition of Order 1110.30, Committee Management. Appendix 1, Data Release Review Committee Charter, spells out the specifics of the committee.

10. RESPONSIBILITIES.

Responsibilities for and the implementation of this policy, as well as the establishment, participation, and operation of the DRRC, lie with the following officials:

a. **The Associate Administrator for ATraffic Services,ATS-1**, is responsible for:

- (1) Establishing and implementing the DRRC.
- (2) Providing approval of the original DRRC Charter and all subsequent changes to the document.
- (3) Ensuring a DRRC Chairperson is assigned.
- (4) Approving the final DRRC package.
- (5) Ensuring that a representative is appointed as a permanent member of the DRRC, as identified in the DRRC Charter.
- (6) Providing subject matter experts (ad hoc members) as required.

b. **The Air Traffic Division, AXXJOO**, shall designate a regional representative. The regional representative is responsible for:

- (1) Providing the requester with FAA Form 1200-5, NAS Data Release Request and associated application procedures.
- (2) Coordinating with appropriate regional offices to ensure NAS Data Release Request forms are completed and final approval packages contain all required information for the DRRC final decision.
- (3) Monitoring continued compliance with conditions identified in the DRRC final decision.
- (4) Ensuring notification to all outside interests for the requirement to reapply, as specified in this order.

c. **The Airway Facilities Division, AXX-400**, shall designate a regional representative, who is responsible for:

- (1) Ensuring that if AF will maintain the outside interest's equipment, the requirements for maintenance are listed in the Memorandum of Agreement, Section II, Paragraph A. (See Appendix 2, Sample Memorandum of Agreement.)

(2) Adhering to all applicable policies and procedures to escort the outside interest into AF workspace, if the vendor installs, maintains, or removes the equipment.

(3) Providing a method of monitoring, or notifying the outside interest when her/his equipment fails. This method shall be described in the Memorandum of Agreement (MOA), Section II, Paragraph A.

d. **The Office of the Chief Counsel, AGC-1** shall review all MOAs for NAS data releases for accuracy, validity, and legality.

11. PROCEDURES.

The process for requesting release of NAS data or use of equipment interfaces is:

a. Requests for release of NAS data or the use of equipment interfaces will be directed to the DRRC through the FAA regional office, AXX-5 10. If the requesting organization is a Program Office, Product Team, or Integrated Product Team, the request will given to the DRRC Executive Secretary.

b. The requester will be provided a NAS Data Release Request Form (FAA Form 1200-5) which provides guidance for submitting a request.

c. The DRRC shall meet as required. The DRRC is the reviewing authority for release of NAS data to outside interests. The actions of the DRRC, as established by charter in Appendix 1, Data Release Review Committee Charter, shall result in one of the following decisions to the initial request:

(1) Request Invalidation, along with the supporting rationale, will be sent by the DRRC to the requester with notification to the regional office, as appropriate.

(2) A Request for Clarification, along with the supporting documentation, will be sent to the requester with notification to the regional office, as appropriate. This requires that the requester modify the submission in compliance with the direction provided by the DRRC and resubmit the NAS Data Release Request form for reconsideration.

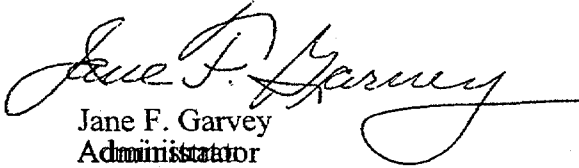
(3) A Request Validation will be forwarded to the Requirements Branch, AXX-510, with guidance to proceed with a submission of the final package. The package will be prepared between the requestor and the regional office with the appropriate information requested to develop the NAS Change Proposal (NCP, FAA Form 1800-2) and a MOA. The MOA shall be developed in accordance with the Appendix 2.

d. When the final package has been completed, it will be returned to the DRRC for review and consideration. The DRRC actions on the final package will result in one of the following for ATS-1 action:

(1) Recommend Approval. ATS-1 will issue the requester the authority to receive NAS data.

(2) Recommend Disapproval. The disapproval decision from ATS-1, along with the supporting rationale, will be sent by the DRRC to the requester with notification to the regional office, as appropriate.

e. Outside interests shall reimburse the FAA for NAS data using the procedures prescribed in the latest edition of Order 2500.35, Reimbursable Agreements Covering Services and Materiel provided by the FAA.



Jane F. Garvey
Administrator

APPENDIX 1. DATA RELEASE REVIEW COMMITTEE CHARTER

1. Purpose. Paragraph 8 of this order outlines the purpose of the DRRC.

2. Authority. The FAA Administrator shall designate ATS-1 to provide the oversight for the DRRC. ATS-1 will not authorize the DRRC to create lower level review committees. The charter shall be changed only with the approval of ATS-1, and upon recommendation of the DRRC. The DRRC chairperson has the final authority over the operation of the DRRC and all related matters.

3. DRRC Responsibilities. The responsibilities of the DRRC include, but are not limited to:

- a. Performing DRRC functions as established in this order.
- b. Maintaining and recommending proposed changes to the DRRC operating procedures.
- c. Reviewing, evaluating, and making recommendations for approval or disapproval of data release requests to ATS-1. In reaching decisions or recommendations regarding proposed data release requests, the DRRC will give consideration to improving safety, efficiency, and operational effectiveness, while ensuring NAS system integrity, stated FAA strategic direction for NAS evolution, such as NAS architecture, the Operational Evolution Plan (OEP), and national security.
- d. Initiating changes to the current version of Order 1200.22, Release of National Airspace System (NAS) Data and or Interface Equipment to Outside Interests.
- e. Ensuring that proposed data release policy changes is communicated to all requesters and coordinated with the affected organizations.
- f. Ensuring that all approved data release requirements have been met through Configuration Management and National Change Proposal (NCP) process.
- g. Establishing and maintaining the Requester/Data Catalogue.
- h. Defining the data elements under the purview of the DRRC, and ensuring that only appropriate data is posted on official or project web sites.
- i. Ensuring that data release request documentation under the jurisdiction of the DRRC is approved in accordance with the current version of Order 1200.22.
- j. Processing data release requests in accordance with procedures described in the DRRC operating procedures.
- k. Documenting and tracking DRRC actions and decisions in accordance with the processes and procedures as defined in the DRRC operating procedures.

4. DRRC Members. The following contains the organizations and their functions as part of the DRRC:

- a. DRRC Chairperson. ATS-1 will appoint the DRRC Chairperson.

APPENDIX 1. DATA RELEASE REVIEW COMMITTEE CHARTER, (CONTINUED)

(1) Ensuring the DRRC functions are implemented as described in this policy and as outlined in the DRRC Charter.

(2) Providing staffing and assigning an Executive Secretary for the DRRC.

(3) Ensuring concerned Government organizations outside the FAA are invited as permanent members of the DRRC, as appropriate.

(4) Providing recommendation to ATS-1 for FAA Form 1200-5, NAS Data Release Request, and final packages submitted to the DRRC.

b. Executive Secretary. Staffing of this position shall be the responsibility of ATS-1.

(1) Ensures that each FAA Form 1200-5, NAS Data Release Request, is processed and tracked from request initiation to final decision.

(2) Ensures that required DRRC documentation, FAA Form 1200-5, NAS Data Release Request, and the final packages are provided to committee members in advance of the DRRC meetings.

(3) Schedules and coordinates all DRRC meetings dates and arrangements. Absenteeism of DRRC permanent members will be recorded as a concurrence.

(4) Maintains all data pertinent to the functionality of the DRRC.

(5) Develops and maintains a database that tracks the status of all FAA Form 1200-5, NAS Data Release Request, and the DRRC final decisions.

c. Permanent Members. Permanent members of the DRRC shall include a representative from:

(1) Air Traffic Planning and Procedures (ATP).

(2) Office of Information Systems Security (AIS).

(3) Office of Civil Aviation Security Policy and Planning (ACP).

(4) Operations Support (AOS).

(5) NAS Operations (AOP).

(6) Office of Civil Aviation Security Intelligence (ACI).

(7) Joint Radar Planning Group (JRPG).

(8) Office of the Chief Counsel (AGC) This member serves in an advisory capacity and is a non-voting member.

APPENDIX 1. DATA RELEASE REVIEW COMMITTEE CHARTER, (CONTINUED)

d. The DRRC Permanent Members are responsible for:

- (1) Participating and/or ensuring proper representation to all scheduled meetings of the DRRC.
- (2) Providing their organization's position at the DRRC meetings that will contribute to the final decision.
- (3) Coordinating with subject matter experts within their organization to articulate their organization's position during the DRRC meeting, as appropriate.
- (4) Ensuring regional compliance within the respective organization, as identified in this policy.

e. The following organizations may have representation as ad hoc, or subject matter expert members:

- (1) Department of Transportation, US Coast Guard (USCG).
- (2) Department of the Treasury, US Customs.
- (3) Department of Defense (DoD).
- (4) Department of Justice, Federal Bureau of Investigation (FBI).

f. Ad Hoc Members. Subject matter experts will augment the standing membership on a case by case basis, after coordination with the DRRC Chairperson. Ad Hoc Members are non-voting members who serve in an advisory capacity only and are limited to Federal Government employees.

5. DRRC Administration. The DRRC Executive Secretary will be responsible for ensuring that FAA Form 1200-5, NAS Data Release Request, and the final packages are provided to committee members in advance of scheduled DRRC meetings.

6. Scheduled Meetings. The DRRC secretary shall schedule DRRC meetings as follows:

- a. Quarterly.
- b. Whenever an additional meeting is required due to special circumstances.

7. DRRC Recommendations and Decisions. The DRRC will provide advice or recommendations to ATS-1 for the final decision on the submitted package. The DRRC may ask for additional information or modifications performed on each package to satisfy the committee before forwarding the request to ATS-1.

8. Delegation of DRRC Authority. The DRRC Chairperson may authorize FAA DRRC members to act as a chairperson via a memorandum to the DRRC Executive Secretary. DRRC permanent members can delegate specific authority (proxy) by a memorandum approved by the DRRC Chairperson.

APPENDIX 1. DATA RELEASE REVIEW COMMITTEE CHARTER, (CONTINUED)

When a time critical or urgent processing of a data release request is necessary, the DRRC Chairperson shall call an emergency meeting of the DRRC. Questions and concerns regarding DRRC decisions will be addressed to the DRRC Executive Secretary and will be presented to the DRRC Chairperson for resolution.

APPENDIX 2. SAMPLE MEMORANDUM OF AGREEMENT
MEMORANDUM OF AGREEMENT

Federal Aviation Administration

(Insert name of AT Facility)

and the

(Insert name of outside interest)

The *(Insert name of outside interest)* has requested that the Federal Aviation Administration (FAA) provide the outside interest access to certain flight track data to support the data requirements of the Environmental Impact Statement (EIS) Airport Noise Compatibility Planning under 14 CFR Part 150/Noise Abatement, or _____ for *(Insert city and the name of the airport; include the three-letter identification code for the airport)*. The FAA agrees to provide and allow the outside interest to use certain data, as set forth in this Agreement. The FAA enters this memorandum of agreement pursuant to 49 United States Code (USC) section 106 (1) 6. Therefore, the FAA and the outside interest agree to the following procedures, restrictions and responsibilities:

I. DESCRIPTION.

- A. *(Describe and specify the context of the data used, the purpose, and what equipment/system will be used for data collection. Refer to all applicable).*
- B. This Memorandum of Agreement ("Agreement") covers the requirements for (i) provision of the Data; (ii) use of the Data; (iii) installation, use and maintenance of the System.

II. FAA RESPONSIBILITIES.

- A. *(Accurately describe the specific responsibilities for the FAA. Use as many sub paragraphs as needed. For example, modifications to FAA equipment and systems must ensure continued reliable compatibility with the outside interest-owned equipment, etc).*
- B. Service interruptions may occur due to operational necessity, safety and security concerns, and/or hardware failure. Final authority to deny access to data in accordance with the terms of this agreement shall reside with the Air Traffic Manager, *(AT Facility)*. The *(AT facility)* shall not be held responsible or retain any legal obligation as to the accuracy, validity, or continued availability of the data.

III. OUTSIDE INTEREST RESPONSIBILITIES - USE OF ATC COMPUTER/RADAR DATA.

- A. *(The applicable outside interest will provide a narrative of its responsibilities and duties for using the radar or computer data supplied by the FAA. Use as many sub paragraphs as necessary).*

Appendix 2

APPENDIX 2. SAMPLE MEMORANDUM OF AGREEMENT, (CONTINUED)

1. The outside interest shall supply the FAA with adequate compatible recording devices (discs or tapes).

2. All computer programs and equipment to be installed and operated in the *(AT Facility)* will be subject to FAA approval.

3. The outside interest shall provide all transportation and associated costs for transporting the discs or tapes.

4. Requests for copies of recorded data must be received by the *(AT facility)* not later than three days after the date of the requested data.

5. The outside interest shall not release any data or information pertaining to:

(Include any prohibitions developed through coordination with the Office of Civil Aviation Security Operations.)

6. The outside interest shall not release these data for use by law enforcement agencies or for use in any civil litigation, absent Court Order in any civil litigation, except pursuant to court order.

7. The outside interest shall not release these data if advised by the FAA that the data received contain information relating to an aircraft Incident.

8. The outside interest shall not use these data for legal action involving noise abatement regulation enforcement.

9. Indemnification by the outside interest. The outside interest agrees to indemnify and hold harmless the Government, its agencies, officers, and employees, from and against all claims, demands, damages, liabilities, losses, suits, and judgments (including all costs and expenses incident thereto) which may accrue against, be suffered by, be charged to, or recoverable from the Government, its agencies, officers, and employees, arising out of the FAA providing this data, and arising out of acts or the omissions of the outside interest, its agents, contractors, or employees by reason of damage to, destruction of, misappropriation, or loss of property of the Government, its officers, employees and agents arising out of the act of omissions of the outside interest, its employees, and agents under this agreement, whether or not caused or contributed to by negligence on the part of the outside interest or its agents. In the event the outside interest holds or obtains insurance in support of this promise, an original or certified copy of a certificate of insurance shall be delivered to the FAA.

10. The outside interest shall pay the cost, as determined by the FAA contracting officer, of producing and/or supplying any utilities, including telephone lines. The requestor shall also pay for other services furnished by the Government or through Government-owned facilities for the use of the outside interest's proportionate share of the cost of operation and maintenance of the Government-owned facilities by which such utilities or services are produced or supplied. The Government shall be under no obligation to furnish utilities or services.

APPENDIX 2. SAMPLE MEMORANDUM OF AGREEMENT, (CONTINUED)

11. The outside interest agrees that any property of the United States damaged or destroyed incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the outside interest to the satisfaction of the FAA contracting officer or in lieu of such repairs or replacement, the outside interest shall, if so required by the contracting officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of Government property.

12. The outside interest shall not release raw, unprocessed FAA data to the public, unless required by law; however, the outside interest may publicly release reports and analyses derived from the data, such as average flight trajectories and average flight events over a given point or track during designated time periods, as well as other derived data of a similar nature subject to the provisions of all other paragraphs of this agreement. At FAA's request, copies of all reports shall be provided to FAA.

13. Additional procedures and restrictions, as required.

14. The outside interest shall direct requests and deliver discs/tapes to: *(AT Facility name, address, and phone number)* .

IV. INTERAGENCY COMMUNICATIONS.

- A. The outside interest shall direct communications to: *(Provide the complete mailing address for the FAA facility).*
- B. The FAA shall direct communications to: *(Insert the complete mailing address for the outside interest).*

V. TERMINATION OF AGREEMENT.

- A. Either party may terminate this Agreement by giving the other party ninety (90) days written notification. The duration of this Agreement shall not exceed two years from the date signed by all parties.

VI. ADDITIONAL PROCEDURES AND RESTRICTIONS.

- A. *(Describe individually, by separate sub paragraph, each additional restriction and procedure that may apply).*

VII. DATA COVERED BY THIS AGREEMENT.

For purposes of the Agreement, the "Data" shall be defined as follows:

(Describe the specific data here, and name the location; e.g., XYZ ASR-9).

APPENDIX 2. SAMPLE MEMORANDUM OF AGREEMENT, (CONTINUED)

VIII. SYSTEM REVIEW.

The FAA and the outside interest agree to conduct a review, at the request of either party, to determine whether the system is operating in accordance with the specifications of this Agreement and to examine the need for modifications to this Agreement or to the operation of the system. The FAA and the outside interest will coordinate the location, time, and agenda of the review sessions. *(Insert a time interval here, if applicable)*

The FAA and the outside interest concur with the provisions of this Agreement as indicated by the signatures of their duly authorized officials.

FEDERAL AVIATION
ADMINISTRATION

OUTSIDE INTEREST *(fill in name)*

By: _____

(Name and title)

Date: _____

By: _____

(Name and title)

Date: _____

By: _____

(Name and title)

Date: _____

2/6/02

1200.22C
Appendix 3

APPENDIX 3. FAA FORM 12004 NAS DATA RELEASE REQUEST FORM

OMB Approved 2120-06

NAS DATA RELEASE REQUEST		
<i>Paperwork Reduction Act Statement: This data is collected to assess the validity of your request for approval/disapproval. It will take approximately 27 hours or less to complete this form. The collection is mandatory, and all information collected shall be kept confidential. An agency may not collect, and a person is not required to respond to an information collection, unless it displays a currently valid OMB Control Number.</i>		
1. Business/Organization Name		2. Business Phone Number
3. Address (Street, City, State, ZIP Code)		
4. Point of Contact (POC) Name	5. Phone Number	6. Full E-mail address
7. Are you currently receiving NAS data? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, skip to #10)		
8. Indicate your authority to access NAS data: <input type="checkbox"/> Memorandum of Agreement <input type="checkbox"/> Government contract (Attach documentation) <input type="checkbox"/> Other (Explain)		
9. Indicate if you have an approved NCP(s) on file: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list the case file number(s):		
10a. Type of data you are requesting: <input type="checkbox"/> Delayed <input type="checkbox"/> Recorded 1 lb. Describe the data requested: (Attach additional sheets)		
11. Describe your proposed method for acquiring data: (Attach additional sheets)		
12. Describe the nature of your organization/business and the purpose for this request. (Attach additional sheets)		
13. Describe your sensitive data filtering process. (Attach additional sheets)		
14. List any non- U.S. citizen personnel you will employ for this data request. Explain his/her duties in relation to this data request. (Attach additional sheets)		
FOR OFFICE USE ONLY: Request Date: ____/____/____ Package Date: ____/____/____ Issue Date: ____/____/____ Review Date: ____/____/____		

APPENDIX 3. FAA FORM 1200-5 NAS DATA RELEASE REQUEST FORM**INSTRUCTIONS**

If you require additional space to provide your answers, write them on a separate sheet. preceded by the item number and attach them to this request.

1. Enter the complete registered name of the business or organization that has authority for all operations.
2. Enter the phone number of the business or organization.
3. Enter the complete address of the business or organization.
4. Enter the Point of Contact (POC) who will have the delegated authority. If this person is the same as the one stated in 3, indicate by entering "same as above."
5. Enter the phone number of the POC. If this person is the same as the one stated in item 4, indicate by entering "same as above."
6. Enter the business or organization's e-mail address.
7. Check the appropriate box. If the answer is "Yes," attach a copy of the appropriate documentation.
8. Check the appropriate box.
9. Indicate whether or not you have an approved NAS Change Proposal (NCP) with the FAA and include that number. If you have more than one NCP, list all NCP numbers.
10. Describe the type of data you are requesting - location, facility, exact data sought. Be as specific as possible.
11. Describe your method for accessing NAS data. Tell what your equipment will do, how it will operate, the method of filtering, and any other capabilities as required.
12. State the type of business you operate and the specific purpose for using the NAS data.
13. List, in specific detail, your filtering process and data safeguard procedures.
14. Provide the names of any non-U.S. citizen personnel you plan to employ for this data request, along with the scope and nature of work the individual will perform.
- 15.

NOTE: This form may also be down loaded from the AOP-300 website at:
<http://www.faa.gov/ats/aaf/aop/300/1200.22/>